

WARREN ZONING BOARD OF REVIEW  
December 17, 2014  
Minutes

The regular meeting of the Warren Zoning Board was called to order at 7:00 pm by Vice Chairman S. Calenda. Also present was P. Attemann, A. Ellis, M. Smiley and 1<sup>st</sup> Alternate M. Emmencker.

**Approval of Minutes** November 19, 2014 meeting. It was moved M. Emmencker to accept the minutes. Second by P. Attemann. Yea - Vice Chairman S. Calenda, P. Attemann, A. Ellis, M. Smiley and M. Emmencker.

**Old Business**

All members of the board who previously sat for Application #14-35 were not present. The applicant agreed to defer to later in the meeting.

**Application #14-35, Xuefeng Yu & Miao Zhao, owners and applicants, 427 Child St., Plat Map 12, Lot 124**, request for a Special Use Permit from section 32-47 of the Warren Zoning Ordinance to change from one family to two family dwelling in a VB zoning district.

**Applicant and owner Xuefeng Yu requested to withdraw Application #14-35.**

**New Business**

There was a request seeking to be moved to the beginning of the agenda from Applicant #14-40 & 14-41, due to a prior commitment.

**It was moved by P. Attemann to grant the request and move Application s #14-40 & 14-41 to the beginning of New Business.** Second by A. Ellis. Yea - Vice Chairman S. Calenda, P. Attemann, A. Ellis, M. Smiley and M. Emmencker.

**Application #14-40, Jamie P. Stebenne, owner and applicant, 41 Barton Ave, Plat Map 18, Lot 14**, request for a Special Use Permit from section 32-47 of the Warren Zoning Ordinance to allow construction of a detached accessory family dwelling unit with less than the required lot area. Jamie P Stebenne, 41 Barton Ave, owner and applicant gave testimony for Application #14-40 & 14-41 to construct a detached accessory family dwelling unit with less than the required lot area and to allow construction of a detached accessory family dwelling unit with less than the required side lot and rear lot setbacks. He gave testimony that this is an acre lot with a single family dwelling. He explained that he has a 3500 sq ft barn that he would like to make into a garage and workshop on the first floor and an in-law dwelling for his parents to reside in for 4-5 months out of the year on the second floor. The main residence does not have a full second story and is not suitable to accommodate in-law needs. He further explained that he contractor and all of the proposed work would be done on the inside of the building and footprint. The utilities and septic will be shared and there will be only on meter.

Public Comment-NONE

**It was moved by P. Attemann to approve Application #14-40, Jamie P. Stebenne, owner and applicant, 41 Barton Ave, Plat Map 18, Lot 14, request for a Special Use Permit from section 32-47** of the Warren Zoning Ordinance to allow construction of a detached accessory family dwelling unit with less than the required lot area. This being a one acre lot where 5 acres are required however this was a pre-existing structure on the lot and is compatible with the neighboring land uses which is residential. This special use will not create a hazard or nuisance in the neighboring area and is compatible with the comprehensive plan by providing housing. The public welfare and convenience will be served. The approval shall be conditional that all of the regulations of the Warren Zoning Ordinances are met, all affidavits and reporting are met. Must meet and be approved by Fire Chief (all fire codes must be met), DPW, Building Official, as well as any other procedures and policies. Second by M. Smiley. Yea - Vice Chairman S. Calenda, P. Attemann, A. Ellis, M. Smiley and M. Emmencker.

**Application #14-41, Jamie P. Stebenne, owner and applicant, 41 Barton Ave., Plat Map 18, Lot 14,** request for a Variance from section 32-77 of the Warren Zoning Ordinance to allow construction of a detached accessory family dwelling unit with less than the required side lot and rear lot setbacks .

Public Comment-NONE

**It was moved by P. Attemann to approve Application #14-41, Jamie P. Stebenne, owner and applicant, 41 Barton Ave., Plat Map 18, Lot 14, request for a Variance from section 32-77** of the Warren Zoning Ordinance to allow construction of a dwelling unit above the garage with less than the required side lot and rear lot setbacks. The finding of fact the hardship is due to the unique characteristics of the subject, land or structure and is permissible due to the applicants needs. This hardship is not due to any prior action of the applicant and the request is not for financial gain. The existing structure is being utilized and the granting of the variance will not alter the general character of the surrounding area. The purpose and intent is in compliance with the Warren Comprehensive Plan. The relief being requested is the least amount of relief necessary to utilize the space into a workshop and living area. The approval is conditional with the same conditions set forth with the granting of Application #14-40. Second by M. Smiley. Yea - Vice Chairman S. Calenda, P. Attemann, A. Ellis, M. Smiley and M. Emmencker.

**Application #14-37, Paul & Diane Brule, owners and Michael & MaryAnn Staab, applicants, 335 Market St, Plat Map 23, Lot 23,** this appeal under Warren Zoning Ordinance Section 32-19 is to the issuance of demolition permit #14-2D. Mr. Eames based his decision to issue the permit based on his view that the property was a farm prior to the adoption of Warren Zoning Ordinance, making it legal non-conforming. It is our contention: that the property is not a farm as defined by and in accordance with the Warren Comprehensive Plan, Zoning Ordinance and State of Rhode Island law.

Solicitor Federico addressed the board stating there has been progress made with regard to this application. Today, there was a letter issue dated December 17, 2014 to inform the individuals that a demolish permit would be issued, dated 10/6/2014 for and accessory structure and that he did so in accordance with the Rhode Island State Building Codes 2013. A letter from legal counsel Peter Regan was received later, indicating that the appeal was being withdrawn based on the Building Official's letter. She indicated that this would no longer be an active matter before the board.

**Application #14-3, Mario & Maria Carreiro, owners and applicants, 11 Nobert St., Plat Map 3, Lot 40,** request for a Variance from section 32-77 of the Warren Zoning Ordinance to seek relief from the requirements for all set back dimensions and lot sq. ft. coverage.

Mario Carreiro owner and applicant, 11 Nobert St., was present to give testimony for Application #14-38, request for a Variance from section 32-77 of the Warren Zoning Ordinance to seek relief from the requirements for all set back dimensions and lot sq. ft. coverage. He explained that he would like to extend the house in the front (which is actually the side of the house) by 6'.

John Martin, 33 Ward St, Fall River, MA, qualified as an expert witness having drawn plans for 60 years, a commissioner in Massachusetts for the past 4 years and has always been an architect; he gave testimony for Application #14-38.

#### Public Comment

Philip Beaulieu, 324 Main St., St. Jean's the Baptist Church, building and ground superintendent. He stated that he and Father Doug are very pleased that they are remodeling and taking care of this property. He also explained that the building was in dire need of major surgery or to be torn down. The people who owned it prior did not take care of the property and they are happy to see someone buy it and start to remodel, take care of it and make it beautiful in the corner. He would like to highly recommend that the Zoning Board approve this application.

Richard Francis, owner of 10 and 12 Norbert St. (a 4 unit apartment house), stated that he believed that the proposed Application will help improve the area. He also stated that he believed that the applicant would comply with all the rules, regulations and inspections that are required. He asked the Board to give the application consideration.

**It was moved by M. Smiley to approve Application #14-38; Mario & Maria Carreiro, owners and applicants, 11 Nobert St., Plat map 3, lot 40, request for a Variance from section 32-77** of the Warren Zoning Ordinance to seek relief from the requirements for all set back dimensions and lot sq. ft. coverage. Finding of fact that the hardship they are requesting the variance is due to the characteristics of the subject land and is not due to the physical or economic disability of the applicant as they claim no financial hardship. Also a finding of fact that the hardship is not a result of any prior action of the applicant prior to requesting this application, the granting of the variance will not alter the general characteristics of the surround area and it conforms with the general purpose of the Warren Zoning Ordinance and Comprehensive Plan. The relief requested is the least relief necessary from the front and rear yard setbacks and will allow them to exceed the lot coverage by 90 percent. Second by A. Ellis. Yea - Vice Chairman S. Calenda, P. Attemann, A. Ellis, M. Smiley and M. Emmencker.

**Application #14-39, Elizabeth A. Durfee, owner and applicant, 4 Touisset Rd, Plat Map 16, Lot 231,** request for a Variance from section 32-89 of the Warren Zoning Ordinance to allow the existing cesspool to be replaced with an advanced treatment OWTS approximately 140' from mean high water where 150' is required.

William Smith, President, Civil Engineers Concept Inc., 34A Main St., Little Compton, RI gave represented and gave testimony for Application #14-39, Elizabeth A. Durfee, request for a Variance from section 32-89 of the Warren Zoning Ordinance to allow the existing cesspool to be replaced with an advanced treatment OWTS approximately 140' from mean high water where 150' is required. He explained that

they were restricted from where they could place the system due to the wells in the area. He also stated that they have approval from DEM.

Public Comment – NONE

**It was moved by P. Attemann to approve Application #14-39, Elizabeth A. Durfee, owner and applicant, 4 Touisset Rd, plat map 16, lot 231, request for a Variance from section 32-89** of the Warren Zoning Ordinance to allow the existing cesspool to be replaced with an advanced treatment OWTS approximately 140' from mean high water where 150' is required. Finding of fact that the hardship they are requesting the variance is due to the characteristics of the subject land and is not due to the physical or economic disability of the applicant as they claim no financial hardship. Also a finding of fact that the hardship is not a result of any prior action of the applicant prior to requesting this application, the granting of the variance will not alter the general characteristics of the surround area and it conforms with the general purpose of the Warren Zoning Ordinance and Comprehensive Plan. The relief requested is the least relief necessary and the granting of the variance shall be conditional on approval of Rhode Island DEM and CRMC. Second by M. Smiley. Yea - Vice Chairman S. Calenda, P. Attemann, A. Ellis, M. Smiley and M. Emmencker.

#### **Administrative Matters**

Acceptance and moved by M. Emmencker to approve the 2015 Zoning Board Meeting Schedule. Second by M. Smiley.

Amended motion by M. Emmencker to move the February and April meetings to the fourth Wednesday of the month if a meeting space is available. Second by M. Smiley. Yea - Vice Chairman S. Calenda, P. Attemann, A. Ellis, M. Smiley and M. Emmencker.

Items for future agendas – NONE

**Adjourn** It was moved by P. Attemann to adjourn the meeting at 8:00 PM. Second by M. Smiley. Yea - Vice Chairman S. Calenda, P. Attemann, A. Ellis, M. Smiley and M. Emmencker.

Respectfully Submitted,

Rhonda Lee Fortin